

## **REMARKS/ARGUMENTS**

In the Office Action mailed December 22, 2008, claims 1-23 were rejected. In response, Applicants hereby request reconsideration of the application in view of the amendments and the below-provided remarks. No claims are added or canceled.

For reference, claims 1, 7, 12, and 18 are amended. In particular, claims 1, 7, 12, and 18 are amended to recite a control means that connects between counters and an output means, and the output means connects between the control means and the controller. These amendments are supported, for example, by the subject matter described at page 4, line 25, to page 5, line 12, of the originally filed specification.

### **Claim Rejections under Nonstatutory Double Patenting**

Claims 1, 7, 10, 12, 18, and 21 were provisionally rejected under the judicially created doctrine of double patenting. Specifically, the Office Action states that claims 1, 7, 10, 12, 18, and 21 of the present application are functionally equivalent to claims 9, 1, 3, 10, 4, and 6, respectively, of copending U.S. Patent Application No. 10/495,403 (hereinafter “the ‘403 Application”).

In the absence of any indication of allowable claims, Applicants respectfully reserve the right to submit a terminal disclaimer at a future date once allowable claims are identified. Additionally, Applicants respectfully reserve the right to alternatively traverse the provisional rejection under nonstatutory double patenting.

### **Claim Rejections under 35 U.S.C. 103**

Claims 1-23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson (U.S. Pat. No. 6,892,253, hereinafter Robertson) in view of Bender et al. (U.S. Pat. No. 5,664,223, hereinafter Bender). However, Applicants respectfully submit that these claims are patentable over Robertson and Bender for the reasons provided below.

Independent Claim 1

In regard to claim 1, Applicants respectfully submit that claim 1 is patentable over the combination of Robertson and Bender because the combination of cited references does not teach all of the limitations of the claim. Claim 1 recites a “the output means comprises a first connection to the control means, a second connection to the FIFO memory, and a third connection to the controller, wherein the control means connects between the counters and the output means, and the output means connects between the control means and the controller” (emphasis added).

In contrast, the combination of Robertson and Bender do not describe a control means or an output means connected between a controller and a set of counters. Robertson merely describes that the controller hub 100 connects directly to the master and remote counters 251, 252. Robertson, col. 7, line 64-67. More specifically, Robertson expressly describes that the controller hub 100 operates directly on the counters 251 and 252. Robertson, col. 7, lines 64-66. Connecting the controller hub 100 directly to the counters 251 and 252 to check, increment, and decrement the counters instead of offloading the checking, incrementing, and decrementing to a control means potentially takes away valuable processing resources from the controller hub 100. Moreover, it appears that Robertson is silent with regard to a control means that connects between the counters and an output means. Robertson also appears to be silent with regard to an output means that connects between the control means and the controller, as recited in the claim.

Bender merely describes a FIFO in a processor/coprocessor environment. Bender, col. 2, lines 60-67, col. 4, lines 40-59. However, Bender also appears to be silent with regard to a control means that connects between the counters and an output means, and an output means that connects between the control means and the controller, as recited in the claim.

Therefore, neither Robertson nor Bender describes a control means that is separate and independent from a controller or an output means that contains two separate and independent connections, the first of the separate connections running from the output means to the control means and the second of the separate connections running from the output means to the controller.

For the reasons presented above, the combination of Robertson and Bender does not teach all of the limitations of the claim because the combination of cited references does not teach a control means that connects between the counters and an output means. The combination also fails to teach an output means that connects between the control means and the controller, as recited in the claim. Hence, the combination of Robertson and Bender does not teach a control means that is separate and independent from a controller, as recited in the claim. Accordingly, Applicants respectfully assert that claim 1 is patentable over Robertson and Bender because the combination of cited references does not teach “wherein the control means connects between the counters and the output means, and the output means connects between the control means and the controller,” as recited in claim 1.

#### Independent Claim 7

Applicants respectfully assert independent claim 7 is patentable over the combination of Robertson and Bender at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 7 recites “connecting an output means with a first connection to a control means, with a second connection to the FIFO memory, and with a third connection to the controller, wherein the control means connects between the counters and the output means, and the output means connects between the control means and the controller” (emphasis added).

Here, although the language of claim 7 differs from the language of claim 1, and the scope of claim 7 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 7. Accordingly, Applicants respectfully assert claim 7 is patentable over Robertson and Bender because the combination of cited references does not teach a control means that connects between the counters and an output means, and an output means that connects between the control means and the controller.

#### Independent Claim 12

Applicants respectfully assert independent claim 12 is patentable over the combination of Robertson and Bender at least for similar reasons to those stated above in

regard to the rejection of independent claim 1. In particular, claim 12 recites “wherein the input means comprises a first connection to the control means, a second connection to the FIFO memory, and a third connection to the controller, wherein the control means connects between the counters and the output means, and the output means connects between the control means and the controller” (emphasis added).

Here, although the language of claim 12 differs from the language of claim 1, and the scope of claim 12 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 12. Accordingly, Applicants respectfully assert claim 12 is patentable over Robertson and Bender because the combination of cited references does not teach a control means that connects between the counters and an output means, and an output means that connects between the control means and the controller.

#### Independent Claim 18

Applicants respectfully assert independent claim 18 is patentable over the combination of Robertson and Bender at least for similar reasons to those stated above in regard to the rejection of independent claim 1. In particular, claim 18 recites “connecting an output means with a first connection to a control means, with a second connection to the FIFO memory, and with a third connection to the controller, wherein the control means connects between the counters and the output means, and the output means connects between the control means and the controller” (emphasis added).

Here, although the language of claim 18 differs from the language of claim 1, and the scope of claim 18 should be interpreted independently of claim 1, Applicants respectfully assert that the remarks provided above in regard to the rejection of claim 1 also apply to the rejection of claim 18. Accordingly, Applicants respectfully assert claim 18 is patentable over Robertson and Bender because the combination of cited references does not teach a control means that connects between the counters and an output means, and an output means that connects between the control means and the controller.

Dependent Claims

Claims 2-6, 8-11, 13-17, and 19-23 depend from and incorporate all of the limitations of the corresponding independent claims 1, 7, 12, and 18. Applicants respectfully assert claims 2-6, 8-11, 13-17, and 19-23 are allowable based on allowable base claims. Additionally, each of claims 2-6, 8-11, 13-17, and 19-23 may be allowable for further reasons.

**CONCLUSION**

Applicants respectfully request reconsideration of the claims in view of the amendments and the remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,

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